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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 08/892,092  | 07/14/1997  | TAKU YAMAGAMI        | 35.G1994            | 6547             |
| 5514  | 7590        | 04/07/2005           | EXAMINER            |                  |
| FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      | VILLECCO, JOHN M    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2612                |                  |

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 08/892,092             | YAMAGAMI, TAKU      |
| <b>Examiner</b>              | <b>Art Unit</b>        |                     |
| John M. Villecco             | 2612                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 05 August 2004.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 58-65 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 58-65 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 14 July 1997 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 5, 2004 has been entered.

***Response to Amendment***

2. Applicant has amended each of the independent claims, thus necessitating the new grounds of rejection presented below. Additionally, applicant has added new claims 64 and 65. Please see the rejection of claims 64 and 65 below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 58-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Sakagami et al. (U.S. Patent No. 5,497,194) in view of Sarbadhikari et al. (U.S. Patent No.**

**5,477,264) and further in view of Saito (Japanese Publ. No. 06-231023) and Redford et al. (U.S. Patent No. 5,788,507).**

5. Regarding *claim 58*, Sakagami discloses an electronic camera of selectively recording image or voice data. More specifically, Sakagami discloses a switch (18) for selectively choosing to record image data from the image pickup device (14) or voice data from the microphone (16), and a memory card (12) for recording the generated image or voice data. The camera (11) also includes the ability to read image and voice data from the memory card.

Sakagami, however, fails to explicitly disclose retrieving instruction information pre-recorded in the detachable recording medium for determining a file name. Sarbadhikari, on the other hand, discloses that it is well known in the art to read out instruction information that is stored in a memory card, which is used in the processing of the image files. More specifically, Sarbadhikari discloses the use of “software enhancement” files which are uploaded to the camera firmware in order to enhance the software located in the camera. These enhancements include programs for processing the image data, as well as programs adjusting the operating parameters of the camera. See column 7, line 55 to column 8, line 3 and column 8, line 50 to column 9, line 1. These files allow a camera’s operation and abilities to be constantly upgraded or automatically adjusted. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to retrieve instruction information pre-recorded in a removable recording medium in order to upgrade or adjust the abilities of the camera in Sakagami.

Additionally, neither Sakagami nor Sarbadhikari explicitly state the use of a file determining means for determining a file name by combining a character, selected in accordance

with the generation condition selected by the selection means, and a serial number, in accordance with the information retrieved from the detachable recording medium. Saito, on the other hand, discloses an information recorder which determines a filename for a current image being recorded, based on the filenames of the previously recorded information. The system includes an image pickup circuit (2) for generating an image data and a system controller (12) for controlling the operation of the camera. The system controller (12) is interpreted to be the file name determining part. In order to avoid duplication of file names it will determine if the current image being saved has a name similar to the name of a file stored on the memory card. If there is such a file, then a number is incremented and a new file name is generated. Each of the file names is composed of a character and a serial number (Fig. 5, 7, and 8) and is composed in accordance with the information retrieved from the memory card. After the file name is determined the image file is saved onto the memory card (16). As disclosed in paragraph 0020, the JP '023 reference will compare a created filename with a filename that has already been created and recorded in a directory. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create a filename for the image or voice data so that it does not have a similar filename to data recorded previously.

Furthermore, neither of the two aforementioned references discloses that the filename determining device determines a filename based on whether image or voice data is selected. Redford et al. (U.S. Patent No. 5,788,507) discloses that it is well known in the art to name different types of data files with different extensions. As disclosed in column 45, lines 8-12, image files are designated with the extension .TIF and sound files are designated with the extension .WAV. This feature allows a user to differentiate between image and sound files.

Therefore, it would have been obvious to one of ordinary skill in the art to name the files generated, as in Saito, so that the image and sound files are given different filenames.

6. Regarding ***claim 59***, Saito discloses there are two bytes that are allocated to be incremented if an image with a similar filename is found in the route directory of the memory card. Therefore, the program in Saito determines the plurality of characters to be used for a file name. See paragraphs 18-20.

7. ***Claim 60*** is considered a method claim corresponding to claim 58. Please see the discussion of claim 58 above.

8. ***Claim 61*** is a method claim corresponding to claim 59. Please see the discussion of claim 59 above.

9. With regard to ***claim 62***, Saito discloses that a filename is automatically generated based on the time that the memory card was mounted. This information correlates to the recording condition of image data that has been generated. Therefore, the file name determining step determines a file name in accordance with a recording condition of the image data generated and the pre-recorded instruction information.

10. ***Claim 63*** is considered a method claim corresponding to claim 62. Please see the discussion of claim 62 above.

11. ***Claim 64*** is considered to be substantively equivalent to claim 58. Please see the discussion of claim 58 above.

12. ***Claim 65*** is considered to be substantively equivalent to claim 58. Please see the discussion of claim 58 above.

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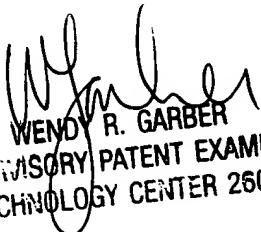
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7318. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco  
April 1, 2005



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